

COMMITTEE ROOM,
AUSTIN, February 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 40, being "An act to amend article 180, Penal Code of the State of Texas," and find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

COOPER, Chairman.

On motion of Senator Harris, substitute for Senate bills Nos. 35, 73 and 75, "An act to further regulate the collection of taxes on real estate, including lands heretofore bought in by the State at delinquent tax sales," was taken up out of its regular order and read second time.

On motion of Senator Davis, the substitute reported by the committee was adopted.

Senator Traylor offered the following amendment:

Amend section 4, line 15, by striking out "such owner." Adopted.

Senator Traylor offered to amend section 3, line 2, by adding the following:

"The advertisement and sale to be made as heretofore provided by law for the advertisement and sale of land for taxes due thereon."

Adopted, and bill ordered engrossed.

On motion of Senator Harris, rules were suspended to put bill on its third reading, by the following vote:

YEAS—23.

Buchanan,	Getzendaner,	Peacock,
Chesley,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Shannon,
Evans,	Kleberg,	Stratton,
Farrar,	Martin,	Terrell,
Fleming,	Matlock,	Traylor.
Fowler,	Patton,	

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—22.

Buchanan,	Getzendaner,	Patton,
Chesley,	Harris,	Peacock,
Cooper,	Houston,	Perry,
Davis,	Johnson of Collin,	Pfeuffer,
Evans,	Kleberg,	Shannon,
Farrar,	Martin,	Terrell,
Fleming,	Matlock,	Traylor.
Fowler,		

NAYS—none.

Senator Buchanan, for Committee on Education, submitted the following reports:

COMMITTEE ROOM,
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 283, entitled "An act to establish and maintain a system of summer normal institutes for the better qualification of teachers," have considered the same, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BUCHANAN, for Committee.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 26, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Educational Affairs, to whom was referred Senate bill No. 294, entitled "An act to amend article 420, chapter 4, title 17, of the Revised Statutes," have considered the same, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

The bill has for its object the giving of authority to incorporated cities and towns, in express terms, the right to issue bonds to build public free school buildings, where such cities and towns have assumed control of their public free schools.

BUCHANAN, for Committee.

Bill read first time.

Pending the motion of Senator Fleming to take up Senate bill No. 21 out of its regular order, on motion of Senator Houston, the Senate adjourned till 10 a. m. to-morrow.

FORTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, February 28, 1883. }

The Senate met pursuant to adjournment.

Senator Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Rev. Mr. Phillips of Anderson county.

Upon motion of Senator Martin, the reading of yesterday's journal was dispensed with, and the same adopted.

Senator Martin, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 28, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 91, being "An act to diminish the civil and criminal jurisdiction of the county court of Matagorda, Live Oak, Atascosa, Donley and Archer counties, and to conform the jurisdiction of the district court of said counties to such change."

Also, Senate bill No. 157, being "An act to amend section 2 of an act entitled 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430 of chapter 5, title 13, of the Penal Code, for the protection of fish and game.'"

Also, substitute Senate joint resolution No. 23, "Authorizing school districts and the levy of a special tax therein."

Also, Senate bill No. 245, being "An act to amend the charter of the city of Houston."

And find the same correctly engrossed.

MARTIN, Chairman.

Senator Fowler, chairman of Committee on Military Affairs, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 28, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Military Affairs, to whom was referred the memorial of John M. Richardson in behalf of the veteran soldiers of the Texas revolution, have considered the same, and now instruct me to make the following report:

In the opinion of the committee Senate bill No. 32, entitled "An act to provide annual pensions for the surviving soldiers and sailors of the Texas revolution, and the surviving signers of Texas Independence, and the surviving widows of such soldiers, sailors and signers," which has passed the Senate, and is now pending in the House, provides a pension in every case authorized by section 55, article 17, and not prohibited by section 51, article 3, of the Constitution of this State, and that the Legislature has no further authority under the Constitution to provide pensions for the veterans of the Texas revolution.

The committee further instruct me to present with this report a copy of that part of the memorial which is in poetry and addressed to "The Veteran Soldiers of the Texas Revolution," and to request that the same be spread upon the journal of the Senate as a part of this report.

In view of the foregoing facts the committee recommend that no further action be taken upon the memorial.

All of which is respectfully submitted.

FOWLER, Chairman.

SAN JACINTO DAY.

TO THE VETERAN SOLDIERS OF THE TEXAN REVOLUTION.

Hail, hail, ye noble heroes all—survivors of that band,
Who years ago, on this glad day, with gallant heart and hand,
As fearless as the trusty steel of your avenging band,
The cruel tyrant routed, with his murderous command,
And gave to us, at their blood cost, this fair and fertile land.

How dark and threatening dawned that day. Yet ye in numbers few,

Resolved your all at stake to place, the path of right pursue,
The eagle's flight your way did point, and at the foe ye flew,
Not reck'ning if their numbers were as ten to one to you;
And then and there the butchers of the Alamo ye slew.

Oh, might of right and high resolve! What wonders ye perform!
The men of pure and brave intent can ride and quell the storm
Of hate and strife, of force and fraud, though with hell's flames
awarm;
For God Himself will on their side lay bare His mighty arm
To guard them and their cause of right from hell's and hell-man's
harm.

True courage is an attribute of God, a grace divine;
In martyrs, patriots, heroes all, with glory doth it shine;
Consuming all their dross of sin, their gold it doth refine.
The coward is of devil's spawn; nought doth he but repine;
He trembles, and beforehand goes to punishment condign.

To you brave men, of presence grand, who set your all at stake,
And did for us and future times such sacrifices make,
Our hearts and homes we open wide, and wish the dead might
wake,
That we you all, with outstretched arms, could to our bosoms take,
Therefrom to draw new lease of life, as from the fabled lake.

Ho, Travis, Fannin, King and Ward! Come each most gallant ghost!
Ho, Bowie, Crockett, Dickinson! Come all the peerless host!
Come Houston, Austin, Rusk, Lamar! Ye ever were foremost!
Our eyes would see, once more again, of our loved land the boast!
Awake! Arise! Your comrades greet, and sentinel our coast!

We thank Thee, Lord of earth and heaven, of each true soul the
sire,
That Thou the fathers of our land didst with such zeal inspire.
Their mantles fall on us, we pray, as Thou dost call them higher,
That we, as they, may feel the flame of loftiest desire,
And mount at last to them and thee, in chariots of fire.

JOHN M. RICHARDSON.

Leesburg, Camp county, Texas.

Senator Buchanan introduced a bill entitled "An act to fix the venue in certain cases, and to prescribe the mode of procedure in the trial thereof."

Referred to Judiciary Committee No. 1.

Senator Pfeuffer introduced a bill to be entitled "An act to authorize the purchase of bridges in the name and for the use of counties, and to provide for the payment thereof."

Referred to Committee on Roads, Bridges and Ferries.

Senator Harris presented a petition from the citizens of Coryell county, asking for a constitutional amendment prohibiting the importation, manufacture and sale of intoxicating liquors.

Referred to Committee on Constitutional Amendments.

Senator Harris, chairman of Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 27, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Judicial Districts, to whom was referred Senate bill No. 306, entitled "An act to change the time of holding court in the tenth judicial district," have considered the same, and instruct me to report it back with the recommendation that it do pass.

All of which is respectfully submitted.

HARRIS, Chairman.

Bill read first time.

Senator Matlock introduced a bill to be entitled "An act to amend article 4258 of the Revised Civil Statutes of the State of Texas, relating to the institution of certain actions against railroad companies."

Referred to Judiciary Committee No. 1.

Senator Johnson of Collin introduced a bill entitled "An act for depositing the cash in the State treasury in excess of the amount of the bond of the State Treasurer."

Referred to Committee on State Affairs.

Senator Gooch introduced a bill to be entitled "An act to amend article 1639 of the Revised Statutes of the State of Texas, relating to appeals from justices' courts."

Referred to Judiciary Committee No. 2.

Senator Getzendaner presented a petition from citizens of Ellis county, Texas, asking the submission to a vote of the people of a constitutional amendment for the prohibition of the sale, manufacture and importation of intoxicating liquors in the State of Texas.

Referred to Committee on Constitutional Amendments.

On motion of Senator Shannon, the Senate went into executive session on the appointments made by the Governor in his message of yesterday.

IN SENATE.

On motion of Senator Gooch, the Secretary was directed to inform the Governor that the Senate advises and consents to the appointments made by him in his message of February 27.

Senator Fleming moved to suspend the regular order of business and take up Senate bill No. 221, entitled "An act to provide for the preparation, auditing, tabulation and presentation for examination by the officers of the United States government, of all such claims, accounts and demands of the State of Texas against the government of the United States, as are referred to and provided for in the act of the Congress of the United States, entitled 'an act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of Texas, Colorado, Oregon, Nebraska, California, Kansas and Nevada, and the Territories of Washington and Idaho, for money expended and indebtedness assumed by said States and Territories, in repelling invasions and suppressing Indian hostilities, and for other purposes,' approved June 27, 1882, and to make an appropriation therefor."

Adopted, and bill taken up, and committee substitute adopted.

Senator Fleming offered the following amendment:

Amend section 8, line 30, by inserting in the blank the words "ten thousand," so as to make the section read, "that the sum of ten thousand dollars, or so much thereof," etc.

Adopted.

Substitute, as amended, ordered engrossed.

Senator Fleming moved to suspend rule, and place bill on its third reading.

Rule suspended by the following vote:

YEAS—25.

Buchanan,	Gooch,	Patton,
Chesley,	Harris,	Peacock,
Collins,	Houston,	Perry,
Davis,	Johnson of Collin,	Pfeuffer,
Evans,	Johnston of Shelby,	Pope,
Farrar,	Kleberg,	Randolph,
Fleming,	Martin,	Shannon,
Getzendaner,	Matlock,	Traylor,
Gibbs,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—26.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Davis,	Houston,	Pfeuffer,
Evans,	Johnson of Collin,	Pope,
Farrar,	Johnston of Shelby,	Randolph,
Fleming,	Kleberg,	Shannon,
Fowler,	Martin,	Traylor,
Getzendaner,	Matlock,	

NAYS—none.

Senator Patton, for Committee' on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 28, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 100, being "An act to amend articles 378 and 379, of chapter 6, title 10, of the Penal Code, and add thereto articles 379a, 379b, and 379c;" and Senate bill No. 31, "An act creating, establishing and directing the laying out of certain roads," etc., and find the same correctly engrossed.

PATTON, for Committee.

Senator Pfeuffer called up his motion to reconsider the vote by which the Senate refused to engross Senate bill No. 293, to amend title 17, chapter 10, of the Revised Statutes of the State of Texas, by adding thereto Articles 503a and 503b.

Adopted, and vote reconsidered.

By unanimous consent, Senator Gooch withdrew the two amendments adopted by the Senate, offered by him yesterday.

The bill was ordered engrossed.

On motion of Senator Traylor, Senate bill No. 85, "An act to amend articles 1700, 1702, 1705, 1709 and 1710, of chapter 4, title 34, of an act entitled 'an act to adopt and establish the Revised Civil Statutes of the State of Texas,' passed February 21, 1879," was taken up out of its regular order, and read second time.

Senator Shannon offered the following amendment:

Add to article 1700, "It shall be the duty of the presiding officers to make return of the total vote cast at their respective voting precincts."

Adopted, and bill ordered engrossed.

On motion of Senator Davis, Senate bill No. 306, "An act to change the time of holding court in the tenth judicial district," reported by the committee this morning, was taken up.

On motion of Senator Davis, rules were suspended to place bill on its second reading by the following vote:

YEAS—25.

Buchanan,	Gibbs,	Peacock,
Chesley,	Gooch,	Perry,
Collins,	Harris,	Pfeuffer,
Cooper,	Houston,	Pope,
Davis,	Johnson of Collin,	Randolph,
Evans,	Johnston of Shelby,	Shannon,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Traylor.
Getzandaner,		

NAYS—none.

Bill read second time and ordered engrossed.

On motion of Senator Davis, the rules were further suspended to place the bill on its third reading by the following vote:

YEAS—25.

Buchanan,	Gibbs,	Matlock,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Shannon,
Fleming,	Kleberg,	Stratton,
Fowler,	Martin,	Traylor.
Getzandaner,		

NAYS—none.

Bill read third time and passed.

On motion of Senator Gooch, House bill No. 20, "An act to amend article 4411 of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order, read the second time and passed to a third reading.

On motion of Senator Johnston of Shelby, Senate bill No. 157, "An act to amend section 2 of an act entitled 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and

430a, and to create article 426½, and to repeal article 430, chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game,' approved March 15, 1881, so as to exclude Waller county from the exemptions of said section," was taken up out of its regular order and read the third time.

Senator Chesley offered the following amendment:

Amend the caption by inserting after the words "section 2" the words "and article 43 of section 1."

Also, by inserting a new section, to be designated section 3, as follows:

SECTION 3. Article 430 of section 1 of said act shall hereafter read as follows:

Article 430. That the following counties are hereby exempted from the provisions of articles 426, 426½, 427, 428 and 429 of this chapter, to-wit: Jasper, Newton, Hardin, Liberty, McLennan, Nacogdoches, Hood, Bosque, Somervell, Williamson, Lampasas, Sabine, San Augustine, Shelby, Titus, Franklin, Delta, Red River, Hunt, Rockwall, Henderson, Rains, Wood, Coryell, Hamilton, Brown, Coleman, Runnels, Johnson, Cooke, Morris, Rusk, Panola, Grayson, Denton, Leon, San Jacinto, Polk, Tyler, Wise, Montague. Clay and the unorganized counties attached to the same for judicial purposes, Ellis, Robertson, Anderson, Tom Green, Hill, Lamar, Freestone, Cherokee, Bowie, Taylor, Callahan, Shackelford, Stephens, Eastland, Erath, Comanche, Palo Pinto, Limestone, Navarro, Madison, Walker, Trinity and Austin; provided, that the counties of Orange, Jasper and Newton shall be exempted from the provisions of article 426; provided further, that the counties of Lavaca and Delta are hereby exempted from the provisions of articles 426 and 429.

Also, so change the bill as to make the last section read section 4.

Senator Cooper offered the following amendment to the amendment:

Exempt the following counties from all the provisions of this act: Orange, Newton, Jasper, Tyler, San Jacinto, Polk, Liberty, Chambers, Hardin and Jefferson.

Adopted.

Senator Johnston of Shelby moved to add Sabine to the list of exempted counties.

Adopted.

Senator Peacock moved to amend by adding the county Cass to the same list.

Adopted.

Senator Buchanan moved to add to the list of exempted counties the counties of Smith and Upshur.

Adopted.

And the amendment of Senator Chesley, as amended, adopted by the following vote:

YEAS—24.

Buchanan,	Getzandaner,	Martin,
Chesley,	Gibbs,	Matlock,
Collins,	Gooch,	Patton,
Cooper,	Harris,	Peacock,
Davis,	Houston,	Perry,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Johnston of Shelby,	Stratton,
Fowler,	Kleberg,	Traylor,

NAYS—none.

Senator Gibbs moved to amend by striking out Kaufman county from section 2.

Adopted by the following vote:

YEAS—25.

Buchanan,	Getzandaner,	Martin,
Chesley,	Gibbs,	Matlock,
Collins,	Gooch,	Patton,
Cooper,	Harris,	Peacock,
Davis,	Houston,	Pfeuffer,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Johnston of Shelby,	Stratton,
Fleming,	Kleberg,	Traylor.
Fowler,		

NAYS—none.

Bill passed by the following vote:

YEAS—22.

Buchanan,	Fowler,	Martin,
Chesley,	Getzendaner,	Matlock,
Collins,	Gibbs,	Peacock,
Cooper,	Gooch,	Randolph,
Davis,	Harris,	Shannon,
Evans,	Johnson of Collin,	Stratton,
Farrar,	Johnston of Shelby,	Traylor.
Fleming,		

NAYS—1.

Houston.

Senator Peacock entered a motion to reconsider the vote just cast on the passage of Senate bill No. 157.

On motion of Senator Cooper, Senate bill No. 230, "An act for the protection of mill and material men," was taken up out of its regular order and read second time, with committee substitute, and substitute adopted.

Senator Cooper offered the following amendment:

"The near approach of the close of the session creates an emergency and an imperative public necessity that the rule requiring this bill to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted, and bill ordered engrossed.

On motion of Senator Cooper, rules were suspended and bill placed on its third reading by the following vote:

YEAS—25.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Cooper,	Harris,	Pfeuffer,
Davis,	Houston,	Pope,
Evans,	Johnson of Collin,	Randolph,
Farrar,	Kleberg,	Shannon,
Fleming,	Martin,	Stratton,
Fowler,	Matlock,	Traylor.
Getzendaner,		

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—27.

Buchanan,	Gibbs,	Patton,
Chesley,	Gooch,	Peacock,
Collins,	Harris,	Perry,
Cooper,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Pope,
Evans,	Johnston of Shelby,	Randolph,
Farrar,	Kleberg,	Shannon,
Fowler,	Martin,	Stratton,
Getzendaner,	Matlock,	Traylor.

NAYS—none.

On motion of Senator Shannon, Senate bill No. 295, "An act to amend article 4687 of the Revised Civil Statutes of the State of Texas," was taken up out of its regular order and read second time, with report of committee, and committee substitute adopted.

Senator Shannon offered the following amendment:

SEC. 2. The fact that the near approach of the close of the session renders it probable that this measure may fail if it is delayed to come up in regular order, creates an imperative public necessity and emergency that the rule requiring bills to be read on three several days be suspended, and it is suspended.

Adopted, and bill ordered engrossed.

On motion of Senator Shannon, the rules were suspended and bill placed on its third reading by the following vote:

YEAS—24.

Chesley,	Gibbs,	Matlock,
Collins,	Gooch,	Patton,
Davis,	Harris,	Peacock,
Evans,	Houston,	Perry,
Farrar,	Johnson of Collin,	Pope,
Fleming,	Johnston of Shelby,	Randolph,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Martin,	Traylor.

NAYS—none.

Bill read third time and passed by the following vote:

YEAS—24.

Buchanan,	Gibbs,	Matlock,
Chesley,	Gooch,	Patton,
Davis,	Harris,	Perry,
Evans,	Houston,	Pfeuffer,
Farrar,	Johnson of Collin,	Pope,
Fleming,	Johnston of Shelby,	Randolph,
Fowler,	Kleberg,	Shannon,
Getzendaner,	Martin,	Traylor.

NAYS—none.

Senator Matlock moved to suspend regular order of business to take up Senate bill No. 219.

Motion lost.

Senate bill No. 1, "An act to further regulate the creation and proceedings of private corporations, by amending articles 566 and 570, of title 20, of the Revised Statutes, and by adding to said title another article, to be styled article 474a," was taken up in regular order, read third time, and passed by the following vote:

YEAS—17.

Buchanan,	Gibbs,	Perry,
Chesley,	Harris,	Randolph,
Evans,	Johnson of Collin,	Shannon,
Farrar,	Johnston of Shelby,	Stratton,
Fleming,	Martin,	Traylor.
Fowler,	Peacock,	

NAYS—6.

Collins,	Getzendaner,	Houston,
Davis,	Gooch,	Matlock.

On motion of Senator Patton, Senate bill No. 31, "An act creating, establishing and directing the laying out certain roads as first class roads, and fixing a penalty for obstructing the same," was taken up out of its regular order and read third time.

Senator Collins offered the following amendment:

Amend by adding section —. "The counties composing the twenty-seventh and twenty-eighth Senatorial districts are hereby exempted from the operation of this law."

Senator Stratton offered to amend the amendment as follows:

Insert in the amendment the counties of the tenth senatorial district.

(Senator Gooch in the chair.)

Senator Houston moved to reconsider the vote by which the bill pending was ordered engrossed.

Pending discussion, on motion of Senator Fleming, Senate adjourned till to-morrow morning at 10 o'clock.

FORTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 1, 1883. }

Senate met pursuant to adjournment.

Hon. A. W. Houston, President pro tem., in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Kleberg, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator Fowler, for Judiciary Committee No. 2, submitted the following report:

COMMITTEE ROOM,
AUSTIN, February 28, 1883.

Hon. Marion Martin, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 301, entitled "A bill to be entitled an act requiring accounts against the State to be itemized and sworn to before payment," have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it do not pass.